

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-------------------------|---|--------------------------|
| NINA SUTTON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:06CV00934 AGF |
| |) | |
| CENVEO CORPORATION, |) | |
| d/b/a Cenveo Color Art, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

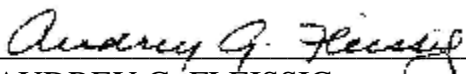
This matter is before the Court on Plaintiff's motion to remand the case to the state court in which it was filed. In its Memorandum and Order dated August 16, 2006, the Court granted Plaintiff ten (10) days to file an affidavit unequivocally stating that Plaintiff "will not seek or accept in excess of \$75,000 in state court." The Court stated that upon the filing of such an unequivocal affidavit, Plaintiff's motion to remand this case to state court would be granted, and that in the event no such affidavit were filed, Plaintiff's motion to remand would be taken under submission as filed. The Court noted that a proposed amendment to Plaintiff's complaint adding that Plaintiff requested judgment for less than \$75,000, fell short of the kind of statement the Court believed was needed to support remand.

Plaintiff did file a timely affidavit, but as noted by Defendant in its opposition (Doc. #18), it is ambiguous and does not contain the language requested by the Court nor

similar unequivocal language.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall have an additional five (5) days to file an affidavit that complies with this Court's Memorandum and Order. In the event no such affidavit is filed, the Court will take the motion to remand under consideration on the current record.



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 30th day of August, 2006.